

Neither document discloses a breathable and liquid-tight substrate, nor coating on both sides of a material.

The Groshens patents (4732800 and 5827579) are directed to the manufacture of interlinings. Interlinings are one-layer web-like materials which are coated on one side with an adhesive material. Such interlinings are sold for further use for example for supporting or patching small pieces of a cloth. They are thereafter ironed to the corresponding part of the cloth resulting in a two-layered structure (i.e., figure 1 in '800).

The interlinings differ from the claimed breathing-active liquid-tight film, and from or a laminate which has a middle layer of the breathing-active, water-proof film according to the present invention.

The object of the Groshens patents is to provide an interlining which does not pose the risk of being penetrated by adhesive dots through the substrate, especially while adhering the interlining to a textile, i.e., during ironing of the interlining. Groshens attains this object by applying a heat-fusible layer on the front surface of the substrate and by applying a second, less-fusible and non-adhesive layer on the back surface of the substrate. This second less-fusible, non-adhesive layer acts as a barrier to prevent a penetration or "return" of the adhesive material through the substrate (see for example layer 7 in '579; col. 3, lines 54 - 56 of '800). Is it not used for attachment of a further layer.

A skilled person would therefore have had no motivation to combine the teachings of one of the Swiss patents with one of the Groshens patents for providing a two-side coated, water impermeable vapor permeable film, since

- the Groshens patents teach coating only one side with an adhesive substance and with a covering layer;
- the vapor permeable, water-proof film according to the present invention provides a barrier to the adhesive, and therefore the danger of penetration or of return of the applied adhesive substance through such a part does not exist.

The teachings of '579 and '800 thus lead one in a completely different direction than does the present invention. There is no need to provide a barrier layer

on a vapor permeable, water-proof film. Any combination of the Swiss patents and the U.S. patents would not have led a skilled person to a breathing-active, water-impermeable film having adhesive dots on both surfaces of the film.

Therefore, claims 8 and 10 are inventive over any combination of the prior art with '579 and '800.

Neither is the subject matter of claims 8 and 10 obvious in view of a combination of the admitted prior art with JP 58-040172. That reference discloses the application of a paste material on both surfaces of a sheet material. The applied material has to be dried at a temperature of 110°C to 150°C. The document and the Swiss Patents cited in the application are completely silent about the arrangement of the applied paste material with respect to the other side of the sheet material. The figure provides no teaching with respect to this feature. JP '172 is completely silent about laminate structures.

In addition, both JP '172 and the Swiss Patents are silent about water impermeable, vapor permeable films. As major features of the claims are disclosed in none of these documents, claims 8 and 10 are not obvious. Claim 9 is also deemed patentable for the limitations it inherits from claim 8.

Respectfully,



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8. (twice amended) An air-permeable, water impermeable film, said film having a partial adhesive surface coating, wherein

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the partial adhesive surface coating is deposited onto both surfaces of the film and wherein the adhesive surface coating of the one side of the film is at least partially aligned with the adhesive surface coating of the second side, so that the film has areas which are coated on both surfaces and areas which are uncoated on both surfaces.

9. (twice amended) A film according to claim 8, wherein the surface coating includes adhesive dots.

10. (twice amended) A three-ply, laminated sheet formation, containing as a middle layer an air-permeable, water-impermeable film according to claim 8.

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8. (amended) An air-permeable, water impermeable [foil] film, said [foil] film having a partial adhesive surface coating, wherein

the partial adhesive surface coating is deposited onto both surfaces of the [foil] film and wherein the adhesive surface coating of the one side of the [foil] film is at least partially aligned with the adhesive surface coating of the second side, so that the [foil] film has areas which are coated on both surfaces and areas which are uncoated on both surfaces.

9. (amended) A [foil] film according to claim 8, wherein the surface coating includes [points] adhesive dots.

10. (amended) A three-ply, laminated sheet formation, containing as a middle layer an air-permeable, water-impermeable [foil] film according to claim 8.